THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20237 of 2006

26.12.2006

Between:

Manka Antaiah, S/o.M.Ramaiah

… Petitioner

AND

The District Collector, Ranga Reddy District at Lakdikapool

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20237 of 2006

ORDER:

The petitioner is owner of land admeasuring Acs.0.34 guntas in survey No.351/oo and Acs.0.10 guntas in survey No.352/oo situated at Sriram Nagar village of Moinabad Mandal in Ranga Reddy District. He claims the property to be ancestral property in respect of which petitioner was also obtained Pattadar Pass Book (PPB) and title deeds. He made an application to the second respondent requesting for survey of the land in survey Nos.351/oo and 352/oo, in vain. Therefore, he filed the present writ petition seeking a writ of Mandamus directing the second respondent to conduct survey.

After getting instructions, learned Assistant Government Pleader for Revenue (General-T) submits that as per the revenue records total extent of land admeasuring Acs.15.21 guntas in survey No.351 is owned by as many as twenty pattadars and total extent of Acs.15.23 guntas in survey No.352 is owned by as many as twenty one pattadars. He also submits that there are no sub-division numbers in these two fields and, therefore, survey and demarcation cannot be taken up, as there is no procedure in Survey and Settlement Rules to demarcate sub-divisions. Learned Counsel for the petitioner does not dispute the legal position projected by the learned Assistant Government Pleader. He, however, requests that the Mandal Revenue Officer (MRO), Moinabad Mandal, may be directed to conduct the survey of entire land in survey Nos.351 and 352 on condition of petitioner depositing the charges for survey and demarcation.

Section 9 of A.P. Survey and Boundaries Act, 1923 (the Act, for brevity) empowers the Survey Officer to determine and record undisputed boundary after giving notice to all the parties concerned. Similarly, Section 10 of the Act empowers Survey Officer to determine and record disputed boundary after giving notice to all the parties concerned. In either case, notice to all those persons disputing the boundary is necessary. Now that it is not permissible to survey and demarcate the piece of land owned by the petitioner in survey Nos.351 and 352, the second respondent may take necessary action to conduct survey of the entire extents of the land in survey Nos.351 and 352. The petitioner is given liberty to approach the second respondent with a copy of this order renewing the request for survey. As and when such request is made, the second respondent may take necessary action and complete the same within a period of six weeks thereafter, after giving notice to all other pattadars in survey Nos.351 and 352.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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December 26, 2006. (**V.V.S.RAO,J**)

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